

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT  
MINUTES  
ROSE ROOM: CREEKMORE PARK COMMUNITY CENTER  
December 10, 2019 – 5:30 P.M.**

Before calling the meeting to order, Chairman Keesee asked everyone to stand for the Pledge of Allegiance. On roll call, the following commissioners were present: Don Keesee, Vicki Newton, Kelly Wilson, Ret Taylor, Matt Marshall, Griffin Hanna, Brian Trumbly and Bob Cooper.

Chairman Keesee announced the resignation of Commissioner Richard Morris. Chairman Keesee then called for a motion on the minutes from the November 12, 2019, meeting. Commissioner Taylor moved, seconded by Commissioner Cooper, to approve the minutes as written. Ms. Maggie Rice, Director of Development Services, spoke on the procedures.

**5. Conditional Use #21-12-19; A request by Janell Camarena, agent for Vasiliki Investments, for an auto impoundment and holding yard at 2012 Towson Avenue.**

Chairman Keesee announced the request to withdraw this application by the applicant. He then called for a motion on the request to withdraw. Commissioner Wilson moved, seconded by Commissioner Trumbly, to approve the withdrawal of this application. Chairman Keesee called for a vote. The vote was 7 in favor and 0 opposed.

**1. Conditional Use #20-11-19; A request by Randy Coleman, agent for Cavanaugh Free Will Baptist Church, for a church at 2825 Grinnell Avenue, 8304, 8307, 8308, 8311, 8312, 8315, 8400, 8401 & 8406 South 30th Circle and 2808 & 2908 Briar Cliff Avenue.**

Chairman Keesee introduced item 1. Ms. Brenda Andrews presented the staff report stating the 9.33 acre property was located on the northeast corner of South 28<sup>th</sup> Street and Grinnell Avenue. She further stated the approval of this conditional use would allow for a 23,111 square foot addition to the existing church, also adding 212 new parking spaces.

Randy Coleman was present to represent this item. There were none present to speak in opposition.

Chairman Keesee called for a motion. Commissioner Hanna moved to approve as written with staff comments, seconded by Commissioner Wilson. Chairman Keesee called for a vote. The motion carried with 7 in favor and 0 opposed. Approval subject to the following staff comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. A complete landscape plan shall be submitted for review at the time of building permit application.
3. All exterior building and site signage requires a separate application, review and building permit prior to the installation of any signage.
4. Details for all exterior building and site lighting shall be submitted during the building permit review process in compliance with the UDO Commercial and Outdoor Lighting regulations.
5. Board of Director approval of the partial abandonment of South 30<sup>th</sup> Circle.

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**2. Variance #39-12-19; A request by Ron Brixey, agent for John and Karri Karrant, for a variance from Sections 27-440 B & 27-200 definition of business sign at 4306 Phoenix Avenue.**

Chairman Keesee introduced items 2 and 3 as companion items. Ms. Rice read the staff report. She indicated the 1.96 acre property was located on the south side of Phoenix Avenue amid Interstate 540 and South 46<sup>th</sup> Street, containing approximately 300 feet of street frontage along Phoenix Avenue. She stated approval of these items would facilitate a 246 seat restaurant with outdoor dining, associated parking with perimeter and parking lot landscaping, three (3) monument signs on one lot—two off-site—and a slogan wall sign on the north façade of the building.

Ron Brixey and John Karrant were present to represent and speak in favor of these items. There were none present to speak in opposition.

Chairman Keesee called for a motion. Commissioner Taylor moved, seconded by Commissioner Trumbly, to approve with staff comments.

Commissioner Trumbly questioned the possibility of combining the three monument signs into one monument sign. Jason Mathis, project architect answered stating their client's preference was to have the three signs separate. Further, he stated they would be willing to consolidate two of the monuments at the rear of the property, leaving the restaurant's monument sign as is.

Commissioner Taylor moved to amend his previous motion to allow the compromise of the consolidation of two of the monument signs. Commissioner Trumbly seconded in agreement with the amended motion. Chairman Keesee called for a vote. The vote was 7 in favor and 0 opposed to approve as amended.

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**3. Conditional Use #22-12-19; A request by Ron Brixey, agent for John and Karri Karrant, for outdoor dining at 4306 Phoenix Avenue.**

Chairman Keesee called for a motion. Commissioner Hanna moved, seconded by Commissioner Wilson, to approve as written subject to the following staff comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

Chairman Keesee called for a vote. The motion passed with 7 in favor, 0 opposed.

**4. Revised Development Plan #18-12-19; A request by Ron Brixey, agent for Foxfire Properties, for a development plan approval for a multifamily development at 2700 South Tulsa.**

Chairman Keesee introduced item 4. Ms. Rice presented the staff report stating the property was located on the south side of Tulsa Street amid South 27<sup>th</sup> Street and South 24<sup>th</sup> Street. She stated the approval of this revised development plan would allow four (4) one story duplexes with 8 living units and 16 parking spaces.

Ron Brixey was present to represent this item. There were none present to speak in opposition.

Chairman Keesee called for a motion. Commissioner Wilson moved, seconded by Commissioner Newton, to approve as written subject to the following staff comments:

1. Construction must comply with the submitted development plan with the changes outlined below. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. All signage shall comply with the UDO requirements.
3. All exterior lighting shall comply with the UDO requirements.

Chairman Keesee called for a vote. The vote was 7 in favor and 0 opposed.

**6. Rezoning Application #28-12-19; A request by Conner Threet, agent for ERC Create, LLC and Fort Chaffee Redevelopment Authority, for a zone change from Not Zoned to Residential Single Family High Density (RS-4) at 10501 Chad Colley Boulevard.**

Chairman Keesee introduced items 6 and 7 as companion items. Ms. Brenda Andrews read the staff report stating the 33.95 acre property was located on the southeast side of Chad Colley Boulevard, northeast of Steep Hill Road. She indicated approval of these items would allow for the development of a single-family residential subdivision.

Conner Threet was present to represent these items.

David Harris (2025 South V Street), Randy Bittle (10817 Rye Hill Road South), and Jimmy Harkreader (10819 Rye Hill Road South) were present to speak in opposition of these items, having concerns regarding setback requirements, lot sizes, and harm to the existing wooded area on the site location.

Tom Hanna of 1314 Hendricks Boulevard commented stating the proposed development did not fit the land use because there was no mixed use planned.

Chairman Keesee called for a motion on item 6—the rezoning. Commissioner Taylor moved, seconded by Commissioner Hanna, to approve as written with staff comments. Chairman Keesee called for a vote. The vote was 6 in favor and 1 abstention (Chairman Keesee).

**7. Development Plan / Plat Deferral #19-12-19; A request by Conner Threet, agent for ERC Create, LLC and Fort Chaffee Redevelopment Authority, for a Development Plan / Plat Deferral at 10501 Chad Colley Boulevard.**

Chairman Keesee called for a motion on item 7—the development plan/plat deferral. Commissioner Taylor motioned, seconded by Commissioner Newton, to approve as written. Chairman Keesee called for a vote. The vote was 6 in favor and 1 abstention (Chairman Keesee).

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**8. Variance #37-12-19; A request by Andrew Goodman, agent for Rogers Avenue Hillside Addition, LLC, for an interior side-yard setback from 20' to 10' at 6569 Rogers Avenue.**

Chairman Keesee introduced items 8 and 9 as companion items. Ms. Andrews delivered the staff report indicating the location of the 0.58 acre property as on the north side of Rogers Avenue between South 66<sup>th</sup> Street and South 68<sup>th</sup> Street. She indicated the approval of these items would facilitate the development of a 3,000 square foot furniture store.

Paul Takocs with GMX Real Estate Group was present to represent these items. There were none present to speak in opposition.

Max Cloninger of 2601 South 66<sup>th</sup> Street and Jesse Lewis of 6523 Cliff Drive spoke with concerns regarding the excavation, effects of said excavation, potential for an increase in traffic flow and future development possibilities.

Chairman Keesee called for a motion on item 8—the Variance. Commissioner Wilson moved, seconded by Commissioner Trumbly, to approve as written. Chairman Keesee called for a vote. The vote was 7 in favor and 0 opposed.

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**9. Development Plan #20-12-19; A request by Andrew Goodman, agent for Rogers Avenue Hillside Addition, LLC, for a development plan approval for a commercial development at 6569 Rogers Avenue.**

Chairman Keesee called for a motion on item 9—the Development Plan. Commissioner Trumbly motioned, seconded by Commissioner Taylor, to approve as written subject to the following staff comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. BZA approval of the interior side-yard setback variance.
3. Relocation of the proposed monument sign so that it does not conflict with existing easements.
4. Submittal of details for mechanical screening and a final landscaping plan.

Mr. Takacs clarified the nature of business to be conducted by the mattress store. He stated the store would be a showroom only. All product to be shipped to the customer would be located elsewhere.

There being no further discussion, Chairman Keesee called for a vote. The motion carried with 7 in favor, 0 opposed.

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**10. Variance #36-12-19; A request by Ricky Hill, agent for Charles and Janet Schmidly, for a rear-yard setback from 10' to 0' and from 7.5' to 1.6' interior side-yard setback at 4110 South 25<sup>th</sup> Street.**

Chairman Keesee introduced item 10. Ms. Rice presented the staff report stating that the property was located on the southwestern portion of the cul-de-sac on South 25<sup>th</sup> Street. She indicated the approval of this variance would allow for an existing 6' concrete water fountain and an existing porch to remain in their respective locations.

Ricky Hill was present to represent this item. There were none present to speak in opposition.

Chairman Keesee called for a motion. Commissioner Taylor moved, seconded by Commissioner Marshall, to approve with staff comments.

Commissioner Trumbly voiced concerns regarding the potential use of the variance for purposes other than originally intended—the fountain.

Commissioner Taylor moved to amend his previous motion to approve with staff comments with the stipulation that the rear-yard setback would be exclusively for the fountain. Commissioner Marshall agreed to amend.

Chairman Keesee called for a vote. The vote was 7 in favor and 0 opposed.

**11. Variance #38-12-19; A request by Griffin Hanna, agent for Bennie Westphal, for a variance from the Riverfront Development PZD General Development Standards at 417 Riverfront Drive.**

Chairman Keesee introduced item 11. Ms. Andrews delivered the staff report stating the location of the 2.00 acre property was on the west side of the Riverfront Drive and North E Street. She stated the approval of this item would allow for the installation of two solar powered, metal shipping containers for a bicycle rental facility. The dimensions of said shipping containers would be 20' x 8'.

Griffin Hanna was present to represent this item. There were none present to speak in opposition.

Chairman Keesee called for a motion. Commissioner Wilson moved, seconded by Commissioner Newton, to approve as written subject to the following staff comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. The use of the shipping containers shall be for the proposed use only. Should the shipping containers no longer be needed, the applicant shall remove them within 30 days of the cessation of the bicycle rental operation.
3. Any signage associated with the business shall comply with the PZD signage requirements.

Chairman Keesee called for a vote. The vote was 6 in favor and 1 abstention (Hanna).

**12. Variance #34-11-19; A request by Gary Griffin, agent for The Vineyard Group, for a rear-yard setback from 30' to 10' at 900 North 46<sup>th</sup> Street.**

Chairman Keesee introduced items 12 and 13 as companion items. Ms. Anderson present the staff report indicating the location of the property on the east side of North 46<sup>th</sup> Street, south of Grand Avenue. She stated the approval of these items would allow a multifamily development with two duplexes.

Gary Griffin was present to represent these items. There were none present to speak in opposition.

Chairman Keesee called for a motion. Commissioner Taylor moved, seconded by Commissioner Hanna, to approve with staff comments.

Chairman Keesee called for a vote. The vote was 7 in favor, 0 opposed.

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**13. Development Plan #16-11-19; A request by Gary Griffin, agent for The Vineyard Group, for a development plan approval for a multifamily development at 900 North 46<sup>th</sup> Street.**

Chairman Keesee called for a motion on item 13—the Development Plan. Commissioner Taylor motioned, seconded by Commissioner Marshall, to approve with staff comments subject to the following staff comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. Approval of the companion variance application.

Chairman Keesee called for a vote. The vote was 7 in favor and 0 opposed.

**14. Development Plan #14-11-19; A request by Crafton Tull, agent for ERC Holdings, LLC, for a parking lot (off site) at 7910 Hutcheson Court.**

Chairman Keesee introduced item 14. Ms. Rice presented the staff report. She stated the 5.03 acre property was located on the southwest of Lot 2 Huntington Chase Commercial Park with no property frontage. She indicated approval of the development plan would allow for an offsite parking lot with 16 parking spaces.

Conner Threet was present to represent this item. There were none present to speak in opposition.

Chairman Keesee called for a motion. Commissioner Wilson moved, seconded by Commissioner Newton, to approve as written subject to the following staff comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. The hammerhead constructed as a turnaround must cease being used as parking.

Chairman Keesee called for a vote. The vote was 7 in favor and 0 opposed.

**15. Rezoning Application #27-11-19; A request by Brett Abbott, agent for Steve Dawson, for a zone change from Not Zoned to a Planned Zoning District (PZD) at 7717, 7718, 7800, 7801 & 7900 Fort Chaffee Boulevard.**

Chairman Keesee introduced item 15. Ms. Andrews presented the staff report. She stated the property was located on both sides of Fort Chaffee Boulevard, north of Roberts Boulevard. She further indicated the portion of the tract located to the north of Fort Chaffee Boulevard contained an area of 1.10 acres with approximately 560 feet of

street frontage, while the portion of the tract located to the south of Fort Chaffee Boulevard contained 0.54 acres with approximately 330 feet of street frontage. She further stated this item was tabled at the November 12, 2019, Planning Commission meeting until the outcome of the judge's ruling to dismiss the lawsuit against the FCRA. On November 14, 2019, staff received notice that the lawsuit against the FCRA was dismissed. Dalton Person, Attorney at Jones, Jackson & Moll, was present to confirm this statement.

Brett Abbott was present to represent this item. Steve Dawson was present to speak in favor of this item.

Randy DeCanter (7606 Fort Chaffee Boulevard) and John Coats, owner of JKC Cellars 7709 Ellis Street, were present to speak in opposition of this item based on the appropriateness of a contractor's shop and storage yard for the location.

Chairman Keesee called for a motion on this item. Commissioner Wilson moved, seconded by Commissioner Hanna, to approve the PZD as submitted, which allowed a contractor shop and storage yard limited to a 63' x 106' area with 6' opaque screening on all four sides of the yard. Keesee called for a vote. The vote was 5 in favor, 1 opposed (Trumbly), and 1 abstention (Keesee).

The meeting adjourned at approximately 7:10 P.M.